

OGC Has Reviewed

20 July 1981

MEMORANDUM FOR: Deputy Director for Applications, ODP
Deputy Director for Processing, ODP
Chief, Special Projects Staff, ODP

STAT FROM :
Chief, Management Staff, ODP

SUBJECT : Paperwork Reduction Act

1. Recently, the Paperwork Reduction Act of 1980 (Public Law 96-511) was signed into law. This Act was enacted for the purpose of improving the management of information resources within the executive branch. It requires that a senior official in each agency carry out certain information management responsibilities assigned to agencies under the Act. These information management responsibilities include:

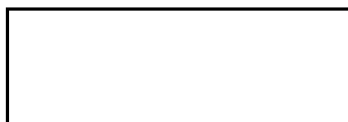
- Ensuring that information management activities are carried out in an efficient, effective and economical manner.
- Ensuring that the information policies, principles, standards, guidelines, rules and regulations prescribed by the Office of Management and Budget (OMB) are appropriately implemented within the agency.
- Developing agency information policies and procedures and overseeing, auditing and otherwise periodically reviewing agency information resources management activities.
- Conducting and being accountable for acquisitions made pursuant to a GSA delegation of authority.

2. The DCI has appointed the Deputy Director for Administration as the CIA senior official to carry out the Agency's responsibilities under the Act. Though the Act exempts automatic data processing equipment (ADPE) used for intelligence activities from its purview, it is the current opinion of the CIA Office of the General Counsel (OGC) that information management

responsibilities assigned to agencies under the Act are applicable to CIA. As a first step, OGC has requested Agency components to report their ongoing activities that address the requirements of the Act.

3. The Act specifically requires agencies (paraphrasing the Act): to systematically inventory major information systems and ensure they do not overlap, and to periodically review information management activities, including planning, budgeting, organizing, directing, training, promoting, controlling, and other activities involving the use and dissemination of information.

4. In order to provide a response to this request we would like a brief summary of the major information management activities in your component. It is recognized that many of your standard management activities (e.g. budgeting) fall into this category and it is not necessary to report these. We are looking for unique information management activities or review activities such as the Processing Short-Range Planning Process, the Applications Continuance Review Process or the SAFE Steering Committee. We would appreciate a short paragraph on each. You need not provide the information in final copy form; a draft is perfectly adequate. Please provide your responses by COB 23 July. I apologize for the short deadline.



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OGC 81-05486

30 June 1981

MEMORANDUM FOR: Legislative Counsel
Special Support Assistant, DDA
Director, Office of Information Services, DDA
Information Handling Systems Architect, DDA
Chief, Information Management Staff, DDO
Records Management Officer, NFAC
Chief of Support, DDS&T
Director, Office of Data Processing

FROM: Stanley Sporkin
General Counsel

SUBJECT: Analysis of the Paperwork Reduction Act of 1980

1. This memorandum is to advise you concerning the effects of the Paperwork Reduction Act of 1980, Pub.L. No. 96-511, upon the Agency and those portions of its operations which fall within the jurisdiction of your Office. In order that the specific effects might be more easily determined, I ask that you direct your attention to the request for information made in Part V below.

I. INTRODUCTION

The Paperwork Reduction Act amends Title 44 of the United States Code by adding a new Chapter, Chapter 35. Section 3504 of the Act (Authority and functions of the Director) vests the Director, Office of Management and Budget (OMB), with certain powers vis a vis the various federal agencies in the areas of: information policy, subsection (b); information collection, subsection (c); statistical policy, subsection (d); records management, subsection (e); privacy, subsection (f); automatic data processing and telecommunications, subsection (g); and other miscellaneous related duties. Section 3506 of the Act (Federal agency responsibilities) imposes reciprocal duties upon the various federal agencies: compliance with policies, principles, standards and guidelines prescribed by the Director, OMB, subsection (a); designation of senior agency official responsible for compliance, subsection (b); inventory of information systems and review of information management activities, subsection (c)(1); avoidance of system overlap, subsection (c)(2); assessment of paperwork burden of proposed legislation, subsection (c)(3); and assignment of Brooks Act delegation to agency official designated in subsection (b).

V. PARTICULAR AGENCY DUTIES

As noted above, the actual scope of Agency duties under the Act will depend upon the substance of the rules promulgated by the Director, OMB. Section 3506, however, imposes several duties upon the Agency independent of any promulgations by the Director, OMB. Those are: to systematically inventory its major information systems; to periodically review its information management activities, including planning, budgeting, organizing, directing, training, promoting, controlling and other activities involving the use and dissemination of information;⁵ to ensure information systems do not overlap; and, to develop procedures for assessing the paperwork and reporting burden of proposed legislation affecting the Agency.

These requirements seem to be consistent with sound management practices and would appear to impose little in the way of additional administrative burden. Further it would seem that the Agency already may have procedures which could be viewed as meeting these obligations. In order to determine what, if anything, additionally needs to be done under this Section, however, I would ask that each addressee provide this Office with information concerning what current procedures of his office could be said to meet these obligations. We will then proceed, in conjunction with the official appointed under Section 3506(b), to determine what, if any, additional steps need to be taken.

VI. SELECTIVE REVIEW AND ASSIGNMENT OF TASKS

Section 3504(b)(5) of the Act vests the Director with the power to evaluate "agency information management practices to determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director." Subsection (a) of Section 3504 provides, however, that the Director's authority under Section 3504 "shall be exercised consistent with applicable law." Hence, as noted in the Introduction, in exercising this authority vis a vis the Agency, the Director must do so in a manner which is consistent with both the statutory responsibility of the Director of Central Intelligence to protect sources and methods of intelligence and the statutory exemption from disclosure of information relating to Agency personnel.

⁵/ These duties are also imposed in regard to the collection of information. The Agency is not subject to this aspect of these duties, however, due to the exception created by Section 3518(c)(1)(D). See Part II, above.